

EXHIBIT O

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Farewell For Now

Jul 24 2018 3 23 PM ET | About Tesla Inc (TSLA)

Summary

- In which I bid farewell to Tesla analysis at Seeking Alpha.
- And explain why I am departing.
- A victory for Elon Musk? Perhaps. Of a dubious sort.

Yesterday, July 23, I decided to cease writing about Tesla (TSLA) here at the Seeking Alpha web site. I also deactivated my Twitter account, where I was @MontanaSkeptic1. Here is what prompted those decisions.

Yesterday afternoon, the principal of the family office in which I am employed received a communication from someone purporting to be Elon Musk. Doubtful that Elon Musk could actually be attempting to contact him, my employer asked one of my colleagues to investigate and respond.

My colleague then spoke by phone with Elon Musk (it was indeed him). Mr. Musk complained to my colleague about my writing at Seeking Alpha and on Twitter. Mr. Musk said if I continued to write, he would engage counsel and sue me.

My colleague then spoke with me about the phone call. We both agreed that Mr. Musk's phone call and threatened lawsuit were actions that would tend to involve our employer in matters in which he has had no part. To avoid such a consequence, I offered to immediately cease writing at Seeking Alpha and to deactivate my Twitter account.

How did Mr. Musk learn my identity, and that of my employer? It appears to me his information came thanks to the doxing efforts of some of his followers on Twitter.

Neither Mr. Musk nor Tesla has ever attempted, at any time, to contact me. Instead, Mr. Musk determined to go directly to my employer.

I do not know what Mr. Musk's precise complaints are about me. I do not believe he has any valid legal claim, and I would have no trepidation in defending myself vigorously were he to bring any claim. My response to his threats was simply to protect my employer and preserve my employment.

And so, you might say, Elon Musk has won this round. He has silenced a critic. But he has many, many critics, and he cannot silence them all, and the truth will out.

I am proud of everything I wrote at Seeking Alpha, and have immensely appreciated the extraordinary support of so many SA members and contributors.

It more than makes up for the endless mendacity and vicious personal attacks I have endured from many Tesla cultists and from publications such as Electrek and Teslarati.

All the articles and blog posts I have already published will continue to be available to Pro subscribers. These four articles, along with the blog posts, will remain on this side of the firewall:

Just Say 'No' To Tesla's Misleading Margin Metric

As Tesla Breaks Faith With Its Believers, It's Time To Go Short

Even With Model 3 Success, Tesla Is Structurally Bankrupt

Tesla Investors Swallow The Blue Pill

To anyone tempted to short Tesla, I urge you to again read the cautions in Part V of the second linked article.

I am hopeful my magnificent collaborator, CoverDrive, who has been loath to himself become a contributor, will find a new home at Seeking Alpha under the aegis of another contributor.

With sadness, I say farewell. And, I thank you for the splendid ride.

Disclosure: I am/we are short TSLA.

Additional disclosure: I am short TSLA via long-dated options



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EXHIBIT P

1 L. LIN WOOD, P.C.
L. Lin Wood (*will seek admission pro hac vice*)
2 lwood@linwoodlaw.com
Nicole J. Wade (*will seek admission pro hac vice*)
3 nwade@linwoodlaw.com
Jonathan D. Grunberg (*will seek admission pro hac vice*)
4 jgrunberg@linwoodlaw.com
G. Taylor Wilson (*will seek admission pro hac vice*)
5 twilson@linwoodlaw.com
1180 West Peachtree Street
6 Suite 2400
Atlanta, Georgia 30309
7 404-891-1402
404-506-9111 (fax)

8 CHATHAM LAW GROUP
9 Robert Christopher Chatham
CA State Bar No. 240972
10 3109 W. Temple St.
Los Angeles, CA 90026
11 chris@chathamfirm.com

12 Attorneys for Plaintiff
VERNON UNSWORTH

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16
17 VERNON UNSWORTH,
Plaintiff,
18 v.
19 ELON MUSK,
Defendant.

Case No. 2:18-cv-8048

COMPLAINT FOR DEFAMATION

21
22 Compliant filed: Sept. 17, 2018
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28

1 COMES NOW Plaintiff, Vernon Unsworth, and files his Complaint for
2 Defamation against Defendant, Elon Musk, showing the Court as follows:

3 **INTRODUCTION**

4 1. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(2)
5 over this defamation action, which arises out of unlawful, unsupportable, and
6 reprehensible accusations by California citizen Defendant Elon Musk (“Musk”) who
7 falsely conveyed that United Kingdom citizen Plaintiff Vernon Unsworth (“Mr.
8 Unsworth”) is a pedophile and child rapist.

9
10 2. From June 24, 2018, through July 10, 2018, Mr. Unsworth was one of
11 many individuals directly involved in the heroic, and ultimately successful, efforts
12 to extract twelve boys and their soccer coach from Tham Luang Nang Non cave
13 system located in Northern Thailand (the “Cave System”).

14
15 3. As the rescue efforts evolved, what has come to be known as the
16 Thailand Cave Rescue captured the attention of the world.

17 4. From July 15, 2018, to August 30, 2018, Musk periodically utilized his
18 Twitter account and emails to the media to publish to the world false and
19 defamatory accusations against Mr. Unsworth, including accusations of pedophilia.
20

21 5. An accurate timeline of the events relevant to this action is attached
22 hereto as Exhibit A.

23 6. Mr. Unsworth brings this action to hold Musk legally accountable for
24 his wrongdoing and to vindicate his reputation.

25 **THE PARTIES**

26 **Vernon Unsworth**

7. Mr. Unsworth is a highly respected caver¹ whose involvement in the Thailand Cave Rescue has been described as instrumental in saving the lives of the young boys trapped in the Cave System.

8. In 1971, at the age of sixteen (16), Mr. Unsworth began caving.

9. Over time, Mr. Unsworth's passion for exploring caves evolved into surveying and extending caves.

10. Prior to the Thailand Cave Rescue, Mr. Unsworth had been involved in numerous cave rescues in the United Kingdom (“UK”), including rescues necessary due to flooding, mostly in the 1970s and 1980s as a member of a UK caving club.

11. Since his first visit in 2011, Mr. Unsworth has periodically traveled to Thailand where his significant other, Woranan Ratrawiphukkun (“Ms. Ratrawiphukkun”), resides.

12. Ms. Ratrawiphukkun is a 40-year old owner of a nail salon and she shares a house with Mr. Unsworth in the countryside near Chiang Rai.

13. Mr. Unsworth has been regularly exploring and surveying the Cave System since May 2012.

14. The Cave System was originally believed to be approximately six (6) kilometers long, but is now known to be a ten (10) kilometer cave based on Mr. Unsworth's explorations of the Cave over the past six (6) years.

Elon Musk

15. Musk is the co-founder, CEO, and product architect of Tesla, Inc.

16. Musk is the founder, CEO, and lead designer of SpaceX.

¹ Caver is a term used to describe an individual who explores or studies caves. Cavers are also known as spelunkers.

1 17. Musk is the co-founder and CEO of Neuralink.

2 18. Musk is a co-founder of PayPal.

3 19. In December 2016, Musk was ranked 21st on the *Forbes* list of The
4 World's Most Powerful People.

5 20. As of August 2018, Musk was reported to have a net worth of \$20.2
6 Billion and is listed by *Forbes* as the 46th-richest person in the world.

7 21. Since June of 2009, Musk has maintained a Twitter account at
8 @elonmusk.

9 22. At all times relevant to this action, Musk's Twitter account had over
10 22.5 Million followers.

11 **FACTUAL BACKGROUND**

12 **The Thailand Cave Rescue**

13 23. On or about June 23, 2018, twelve (12) Thai boys (ages 11 to 16) who
14 were members of a soccer team and their soccer coach entered the Cave System (the
15 "Boys").

16 24. The Boys became stranded and lost in the Cave System as a result of a
17 sudden rainfall that flooded portions of the Cave System and prevented the Boys
18 from being able to exit the Cave System.

19 25. The Boys remained trapped in the Cave System until July 8 through 10,
20 2018, when they were safely rescued as the result of heroic efforts by an
21 international team of divers and other rescuers.

22 26. Unrelated to the soccer team's exploration of the Cave System, Mr.
23 Unsworth was already scheduled to go into the Cave System on June 24, 2018.

24 27. Mr. Unsworth possessed firsthand knowledge of the Cave System from
25
26
27
28

1 previous surveys he had conducted of the passageway.

2 28. Knowledge of a cave system is extremely important in mounting a
3 rescue operation, both to know the possible exit routes and to know which routes are
4 most likely to be affected by factors such as the weather.

5 29. Beginning around 2:00 a.m. on Sunday June 24, 2018, Mr. Unsworth
6 received telephone calls from his Ms. Ratrawiphukkun's father, from Ali Comkeaw
7 (General Director Radio Communications and Rescue Centre Maesai Chaingrai),
8 from Nikorn Phopluetchai (President Radio Communications and Rescue Centre
9 Maesai Chaingrai), and also from Hataiwan Patisan (National Park Tham Luang)
10 regarding the missing Boys.
11

12 30. In response to that information, Mr. Unsworth traveled to the Cave
13 System as soon as he could on June 24.
14

15 31. Mr. Unsworth was the first foreign rescuer to arrive at the Cave
16 System, and he knew immediately that it was a race against time to save the Boys.

17 32. Mr. Unsworth was also among the last persons to leave the Cave
18 System site after the rescue was complete.
19

20 33. Shortly after arriving, Mr. Unsworth and another individual with whom
21 he had explored the Cave System went straight into the Cave System and saw the
22 flooding.

23 34. With rising water levels, narrow and jagged passages, and muddy
24 conditions causing near zero visibility, Mr. Unsworth knew that the Boys would not
25 make it out of the Cave System alive without world-class cave divers.

26 35. Mr. Unsworth advised the Thai government to contact the British Cave
27 Rescue Council for assistance because he believed that specialized expertise in cave
28

1 rescues and particularly cave diving was required to save the Boys.

2 36. Mr. Unsworth communicated with an expert British diver and friend,
3 Rob Harper (“Mr. Harper”), to solicit his help in rescuing the Boys.

4 37. Mr. Harper had just returned to the UK following an exploration of the
5 Cave System and other cave systems in Thailand with Mr. Unsworth.

6 38. Mr. Harper brought with him to Thailand two other world-class divers,
7 John Volanthen (“Mr. Volanthen”) and Rick Stanton (“Mr. Stanton”).

8 39. Together with Mr. Unsworth, Mr. Harper, Mr. Volanthen, and Mr.
9 Stanton put together the dive portion of the rescue plan that ultimately saved the
10 Boys.²

11 40. Mr. Unsworth was on hand at the rescue site to brief the divers about
12 the Cave System upon their arrival.

13 41. Having seen the flooding, Mr. Unsworth advised Thai officials that
14 there were only two areas where the Boys could be located, including the area of the
15 Cave System nicknamed “Pattaya Beach,”³ which is approximately two hundred
16 (200) meters from where the Boys were ultimately located.

17 42. Scores of foreigners from around the globe and Thai rescuers alike
18 descended into the Cave System to rescue the Boys, putting their own lives at great
19 risk.

20 43. United States Armed Forces personnel were brought in to provide
21

22
23
24
25 ² There are many other individuals who also deserve great credit for their efforts in
26 rescuing the Boys but their identities and roles are beyond the scope of this
27 Complaint, which is intended only to provide an overview of Mr. Unsworth’s
28 participation and the rescue mission itself.

³ This area of the Cave has been described as a vast amphitheater-like chamber
named after the popular tourist destination south of the Thai capital Bangkok.

1 logistical support.

2 44. With the help of the Cave System surveys prepared by Mr. Unsworth
3 and Mr. Harper, the Boys were found on July 2, 2018, by the cave diving experts,
4 Mr. Volanthen and Mr. Stanton.

5 45. Due in no small part to the efforts of Mr. Unsworth and his knowledge
6 of the expansive Cave System, the Thai boys and their coach were located in the
7 Cave System nine (9) days after they went missing, approximately two-and-a-half
8 miles from the mouth of the flooded Cave System.

9
10 46. Mr. Unsworth met with numerous Thai officials to share his
11 knowledge, express the severity of the circumstances, and assist in developing a
12 plan for the rescue.

13
14 47. After exhausting remaining options, and with the Monsoon season
15 expected to continue flooding the Cave System in a matter of days, a large meeting
16 was held on Friday, July 6 at 10 p.m., and the decision was made to extricate the
17 Boys via a team of eighteen rescue divers divided between those who would swim
18 the Boys out of the Cave System and those who would provide support at specific
19 checkpoints or ‘stations’ during the dive.

20
21 48. The meeting on Friday, July 6 was attended by generals and colonels
22 from the Thai military and other government officials.

23 49. Although Mr. Unsworth was asked to attend the July 6 meeting, he
24 suggested that Gary Mitchell, a rescue coordinator from the British Cave Rescue
25 Council, attend instead of him.

26
27 50. On July 6, four days after the Thai boys and their coach were located,
28 former Thai navy SEAL Saman Gunan tragically lost his life as a result of

1 asphyxiation during the eleven-hour roundtrip dive to deliver oxygen to the Boys.

2 51. Although the team of rescue workers considered a wide range of
3 possible alternatives for their rescue mission, ultimately the rescue was
4 accomplished through experienced divers making supply runs to the Boys, engineers
5 pumping more than a billion liters of water out of the Cave System, and teams of
6 rescue divers who eventually rescued the Boys from the Cave System.

7
8 52. Mr. Unsworth was not involved in the final planning stages for the
9 rescue because he does not possess the diving expertise necessary to have made the
10 dive.

11 53. Saturday, July 7 was spent preparing for the rescue operation. Some
12 local children who were the same sizes as the Boys were found to assist. The divers
13 practiced carrying the children in a local swimming pool.

14
15 54. The rescue operation began July 8, 2018.

16 55. Over the course of three days between July 8 and 10, 2018, the Boys
17 were successfully rescued from the Cave System by the combined effort of
18 thousands, including over a hundred (100) divers and countless other individuals
19 who were able to design and implement pumps to extricate what is reported to have
20 been billions of liters of water from the Cave System which was essential in order
21 for the divers to execute the rescue.

22
23 56. It has been reported that none of the Boys had any diving experience,
24 and that some of them could not swim at all.

25 57. For the safety of the Boys and the divers, and in order to keep the Boys
26 from panicking during the return trip to the mouth of the Cave System, an
27 Australian doctor who stayed with the Boys in the Cave System for three days
28

1 sedated them.

2 58. Each Boy was dressed in a wetsuit and buoyancy jacket, placed in a
3 sling and tethered to the diver responsible for his safety. A positive pressure full
4 face mask was applied to each. The smallest of the Boys was too small for the face
5 mask, so the rescue team designed a custom apparatus for him.

6
7 59. The return dive at that time of the rescue took approximately three
8 hours after substantial water had been pumped out of the Cave System. The
9 sedative lasted only an hour, and thus the divers were forced to re-sedate the Boys
10 during their trip out of the Cave System.

11
12 60. Once the Boys made it out of the last underwater area of the dive
13 (emerging into an area that became known as “Chamber 3”), they were passed along
14 by rescuers through the Cave System to the exit on a form of stretcher known as a
15 sked. For some parts of the journey, the skeds were passed from hand to hand, for
16 some parts they were carried, and at two points the skeds were zip-lined across
17 larger areas (known as “Chamber 2” and “Chamber 1”). At each zip-line station, the
18 Boys were examined by medical professionals to check their vital signs and re-
19 sedate them if necessary.

20
21 61. Mr. Unsworth was part of the team transporting the skeds to the exit of
22 the Cave System along with Thai, Australian, American, Chinese, and British
23 rescuers.

24 62. As the world anxiously watched the plight of these young Boys and
25 their coach, Musk offered to build a mini-submarine – a metallic tube with several
26 protruding parts (the “Tube”) – that he claimed could transport the victims out of the
27 Cave System.
28

1 63. Meanwhile, the weather continued to add a real urgency to the rescue
2 operation. On July 9 around 7 p.m., the pump stopped working while there was also
3 significant rainfall overnight. The rescue of the final five (5) Boys was scheduled to
4 start at 8 a.m. on the morning of July 10, but the water level had risen, and the
5 diving team was advised that to proceed would mean risking their lives.

6
7 64. Musk and his team built the Tube, and he personally delivered it to the
8 Cave System on or about the night of July 9, 2018, or the morning of July 10, 2018.

9 65. By the time the Tube arrived on scene, eight (8) of the twelve (12)
10 Boys had already been rescued.

11 66. According to reports, the rescue effort involved more than ten thousand
12 (10,000) people, including over one hundred (100) divers, representatives from
13 approximately one hundred (100) governmental agencies, nearly one thousand
14 (1,000) police officers, two thousand (2,000) soldiers, police helicopters, and
15 ambulances.

16
17 67. Over the course of the rescue operation, many participants in the rescue
18 risked their lives in an effort to save the Boys.

19
20 68. Mr. Unsworth was given the opportunity to visit with the Boys in the
21 hospital on July 15.

22 69. Reports indicate that the Boys are presently in good health.

23 **Mr. Unsworth's CNN Interview**

24 70. On July 13, 2018, Mr. Unsworth agreed to participate in an interview
25 requested by CNN to discuss the Cave rescue ("CNN Interview").

26
27 71. Questioned by the reporter as to what Mr. Unsworth thought of the
28 Tube, Mr. Unsworth stated, among other things, that Musk's Tube was a "PR stunt,"

1 that the Tube “had absolutely no chance of working,”⁴ and that Musk “had no
2 conception of what the cave passage was like,” adding that “[Musk] can stick his
3 submarine where it hurts.”

4
5 **Musk’s False and Defamatory Accusations**

6 72. Apparently angered by Mr. Unsworth’s criticism of his Tube in the
7 CNN Interview, Musk embarked on a PR campaign to destroy Mr. Unsworth’s
8 reputation by publishing false and heinous accusations of criminality against him to
9 the public.

10 73. After the CNN interview, on July 15, 2018, Musk published from his
11 Twitter account to his approximately twenty-two million, five hundred thousand
12 (22,500,000) followers the following tweet about Mr. Unsworth:

13
14 “Never saw this British expat guy who lives in Thailand (sus) at any
15 point when we were in the caves. Only people in sight were the Thai
16 navy/army guys, who were great. Thai navy seals escorted us in – total

17 ⁴ Mr. Unsworth’s comments about the Tube were well-founded. The Tube arrived
18 after the rescue operation was already underway and was an impractical tool under
19 the circumstances, even if it had arrived before the operation began. There were
20 thirteen (13) individuals who had to be extracted from the Cave but only one Tube.
21 The initial rescue dives to the Boys and to swim them safely out of the Cave took
22 approximately three (3) hours, though later dives took less time. Even if all of the
23 Boys could fit in the Tube, they were still likely to require sedation. The sedation
24 lasted only about an hour and the Boys could not have been tended to in the Tube.
25 The Tube was only twelve (12) inches in diameter which would not have allowed
26 many of the Boys fit in it. Although the Tube had been tested in a pool, it had not
27 been tested in a cave with zero visibility. The divers had to rely on maintaining
28 contact with a dive line to find their way in and out of the chamber where the Boys
were located. The Tube was rigid and contained many parts protruding on the
outside. The dive to the Boys’ location contained tight corners, high parts, low parts,
stalactites, and stalagmites. It is further unclear how many divers would have been
required to maneuver the Tube, adding additional difficulty to squeezing the Tube
and the divers through tight areas during the rescue.

1 opposite of wanting us to leave.”

2 A true and correct copy of the above-referenced July 15 tweet is attached
3 hereto as Exhibit B.

4 74. “Sus” is commonly understood as an abbreviated form of “suspicious.”

5
6 75. On July 15, 2018, Musk subsequently published a second tweet from
7 his Twitter account about Mr. Unsworth:

8 “Water level was actually very low & still (not flowing) – you could
9 literally have swum to Cave 5 with no gear, which is obv how the kids
10 got in. If not true, then I challenge this dude to show final rescue video.
Huge credit to pump & generator team. Unsung heroes here.”

11 A true and correct copy of the above-referenced July 15 tweet is attached
12 hereto as Exhibit C.

13 76. On July 15, 2018, Musk subsequently published a third tweet from his
14 Twitter account about Mr. Unsworth:

15
16 “You know what, don’t bother showing the video. We will make one
17 of the mini-sub/pod going all the way to Cave 5 no problemo. Sorry
pedo guy, you really did ask for it.”

18 A true and correct copy of the above-referenced July 15 tweet is attached
19 hereto as Exhibit D.

20 77. Pedo is a well-recognized shorthand phrase for the term pedophile.

21 78. A pedophile is a term used to describe an adult who derives sexual
22 gratification from sexual fantasies or acts involving a child.

23 79. When offered an opportunity on Twitter to clarify what evidence he
24 possessed to support his accusation of pedophilia against Mr. Unsworth, Musk
25 confirmed that he intended his accusation literally when he replied in a fourth July
26 tweet from his Twitter account about Mr. Unsworth:
27
28

1 “Bet ya a signed dollar it’s true.”

2 A true and correct copy of the above-referenced July 15 tweet is
3 attached hereto as Exhibit E.

4 80. On July 18, 2018, following public comments by shareholders of one
5 of his companies expressing displeasure with Musk’s accusation of pedophilia
6 against Mr. Unsworth without any evidence, Musk deleted the July 15 accusatory
7 tweets and published two tweets which purported to be an apology:

9 “As this well-written article suggests, my words were spoken in anger
10 after Mr. Unsworth said several untruths & suggested I engage in a
11 sexual act with the min-sub, which had been built as an act of kindness
12 & according to specifications from the dive team leader.

13 A true and correct copy of the above-referenced July 18 tweet is attached
14 hereto as Exhibit F.

15 “Nonetheless, his actions against me do not justify my actions against
16 him, and for that I apologize to Mr. Unsworth and to the companies I
17 represent as leader. The fault is mine and mine alone.”

18 A true and correct copy of the above-referenced July 18 tweet is attached
19 hereto as Exhibit G.

20 81. Although Musk’s “apology” to Mr. Unsworth stated that his
21 accusations were not justified and were made out of anger, the “apology”
22 significantly did not disavow or retract his accusations of pedophilia against Mr.
23 Unsworth.

24 82. On August 6, 2018, Mr. Unsworth, through counsel, transmitted a letter
25 to Musk at the email address identified by Musk, which letter advised him that his
26 accusation of pedophilia against Mr. Unsworth was false and requested that Musk
27 correct the public record. A true and correct copy of the August 6 letter is attached
28

1 hereto as Exhibit H.

2 83. On August 28, 2018, Musk responded by publishing a seventh tweet
3 about Mr. Unsworth:

4
5 “You don’t think it’s strange he hasn’t sued me? He was offered free
6 legal services. And you call yourself @yoda ...”

7 A true and correct copy of the above-referenced August 28 tweet is attached
8 hereto as Exhibit I.

9 84. Musk’s August 28 tweet conveyed to the average reader that Mr.
10 Unsworth’s failure to sue him was evidence that Mr. Unsworth is, in fact, a
11 pedophile and guilty of the most heinous crimes.

12 85. As he will have anticipated, Musk’s August 28 tweet set off a chain
13 reaction on Twitter and in the media.

14
15 86. On August 28, 2018, BuzzFeed News (and many others) published an
16 article regarding Musk’s continued accusations of pedophilia against Mr. Unsworth.
17 A true and correct copy of the August 28 BuzzFeed News article is attached hereto
18 as Exhibit J.

19 87. On August 29, 2018, in an effort to refute Musk’s renewed effort to
20 defame Mr. Unsworth, one of Mr. Unsworth’s attorneys responded via Twitter to
21 the Musk August 28 tweet by stating that Musk “should check his mail before
22 tweeting” and attaching a true and correct copy of Mr. Unsworth’s August 6, 2018,
23 demand letter.

24
25 88. On August 30, 2018, in an e-mail sent directly to the reporter who
26 authored the August 28 BuzzFeed News report, Musk confirmed his previous
27 accusations of pedophilia and published new false and defamatory accusations
28

1 against Mr. Unsworth:

2 “I suggest that you call people you know in Thailand, find out what’s
3 actually going on and stop defending child rapists, you fucking asshole.
4 He’s an old, single white guy from England who’s been traveling or
5 living in Thailand for 30 to 40 years, mostly Pattaya Beach, until
6 moving to Chiang Rai for a child bride who was about 12 years old at
7 the time. There’s only one reason people go to Pattaya Beach. It isn’t
8 where you’d go for caves, but it is where you’d go for something else.
9 Chiang Rai is renowned for child sex-trafficking.

10 He may claim to know how to cave dive, but he wasn’t on the cave dive
11 rescue team and most of the actual dive team refused to hang out with
12 him. I wonder why . . .

13 As for this alleged threat of a lawsuit, which magically appeared when
14 I raised the issue (nothing was sent or raised beforehand), I fucking
15 hope he sues me.”

16 A true and correct copy of the September 4 BuzzFeed News article
17 containing Musk’s August 30 emails is attached hereto as Exhibit K.

18 89. In the first August 30 email to BuzzFeed News, Musk falsely accuses
19 Mr. Unsworth of being a child rapist, marrying a 12-year old child, engaging in child
20 sex trafficking, and being excluded by the dive team because of his alleged
21 misconduct with children.

22 90. In his first August 30 email to BuzzFeed News, in an effort to link Mr.
23 Mr. Unsworth to sexual crimes against Thai children, Musk falsely states that Mr.
24 Unsworth had visited Pattaya Beach or lived in Thailand for 30 to 40 years and
25 falsely stated that he lived in Chiang Rai with a 12-year old bride.

26 91. While the Cave System at issue contains a shelf and air pocket
27 nicknamed “Pattaya Beach,” which is near where the stranded Boys were located,
28 Mr. Unsworth has never visited Pattaya Beach in Thailand.

1 92. Not satisfied with repeating and expanding his list of false accusations
2 against Mr. Unsworth, Musk sent a second email to the BuzzFeed News reporter on
3 August 30 publishing additional false and defamatory statements about Mr.
4 Unsworth:
5

6 “Unsworth also said I was asked to leave by the Thai govt, which is
7 utterly false. Thai Prime Minister thanked me personally per attached
8 docs. I went all the way to area 3 with the Thai SEAL team, who were
9 awesome. Never saw Unsworth at any point. Was told he was banned
10 from the site. It is also total bs that the mini-sub wouldn’t fit through
11 the caves.

12 It was designed and built to specifications provided to me directly by
13 Stanton and the actual dive team. The only reason it wasn’t used was
14 that they were able to drain almost all the water out of the cave, so the
15 underwater portion was very short, and the monsoon arrived later than
16 expected.

17 Those pumps were critical. Some of the Tesla team helped with
18 electrical power, but major credit to whoever provided those pumps.
19 They were amazing. I’m told they were from some company in India.”

20 *See Exhibit K.*

21 93. In his second August 30 email to BuzzFeed News, Musk false accuses
22 Mr. Unsworth of being a liar and falsely states that he was banned from the rescue
23 site.⁵

24 94. The falsity of Musk’s accusations about Mr. Unsworth’s involvement
25 in the rescue and his relationship with the diving team is underscored by the on the
26 record comments of other rescuers whose participation in the rescue mission was
27 critical in saving the lives of the Boys as reported in the September 4 BuzzFeed

28 ⁵ Musk’s August 30 emails also misrepresent conditions surrounding the rescue efforts and facts concerning the Tube.

1 News article:

2 I've got no idea what gave you those concerns about Vern. . . . They are
3 completely unfounded. He was never kicked off site by anyone and
4 worked continuously on the rescue for the full duration. He was pivotal
5 to the entire operation.

6 Vern seemed like an excellent guy and absolutely vital to the mission. .
7 . . You must be confusing him with someone else.

8 He was pivotal with his knowledge of the cave. The rescue wouldn't
9 have happened without him recommending the Brits were called.

10 95. The republication of the Musk August 30 emails by BuzzFeed News
11 was foreseeable and Musk is liable to Mr. Unsworth for their republication.

12 96. All of the false and defamatory accusations by Musk against Mr.
13 Unsworth were published without privilege and with actual knowledge of falsity or
14 with a reckless disregard for truth or falsity

15 97. Instead of retracting his false accusations and ceasing his campaign to
16 impugn Mr. Unsworth, Musk publicly stated, "I fucking hope he sues me." *See*
17 Exhibit K.

18 **JURISDICTION AND VENUE**

19
20 98. Mr. Unsworth is a resident of Hertfordshire County, England and a
21 citizen of the United Kingdom.

22 99. Defendant Musk is a resident of the State of California living in this
23 District and is a citizen of the United States.

24 100. Defendant Musk can be served with summons and complaint at his
25 personal residence or the offices of Tesla or the offices of SpaceX.

26 101. Mr. Unsworth and Musk are citizens and residents of different nations,
27 and the matter in controversy between them exceeds the sum or value of \$75,000.00,
28

1 exclusive of interest and costs.

2 102. This Court has jurisdiction of this civil action pursuant to 28 U.S.C.
3 § 1332(a)(2).

4 103. As the direct and proximate result of Musk's false and defamatory
5 accusations, Mr. Unsworth suffered damage to his reputation in the State of
6 California, as well as on a national and international basis.

7 104. The conduct of Musk in initially publishing the false and defamatory
8 tweets and emails occurred in the State of California.

9 105. The false and defamatory tweets and emails were published originally
10 by Musk in the State of California.

11 106. Twitter maintains its corporate headquarters in California.

12 107. As one of the highest-profile and wealthiest individuals in the world,
13 Musk knew that this accusations against Mr. Unsworth would be conveyed to a
14 worldwide audience and would result in the accusations receiving massive publicity.

15 108. In this action, Mr. Unsworth seeks a recovery for the worldwide
16 damage he has suffered to his reputation, with the exception of the reputational
17 damage he suffered in England and Wales.

18 109. A separate action for the reputational damage to Mr. Unsworth suffered
19 in England and Wales will be filed and pursued against Musk in the High Court of
20 London.

21 110. This Court has both specific and general jurisdiction over Musk.

22 111. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(1)-(2).

23 **CAUSE OF ACTION FOR DEFAMATION**

24 112. Mr. Unsworth reasserts and incorporates by reference paragraphs 1
25
26
27
28

1 through 111 of this Complaint as if fully restated herein.

2 113. Musk's publications in Exhibits B, C, D, E, F, G, I, and K, as
3 referenced in paragraphs 73, 75, 76, 79, 80, 83, and 88 of this Complaint, are
4 hereinafter referred to as the "False and Defamatory Accusations."

5 114. Pedophilia is reprehensible, and the sexual exploitation of children is
6 outlawed around the world, including in the United States, California, United
7 Kingdom, and Thailand.

8 115. At least 173 countries have signed and ratified the Optional Protocol on
9 the Sale of Children, Child Prostitution and Child Pornography.

10 116. Musk's False and Defamatory Accusations falsely accused Mr.
11 Unsworth of being a (1) a pedophile, (2) a child rapist, (3) a child sex-trafficker, (4)
12 the husband of a 12-year old child bride, and (5) a liar.

13 117. Mr. Unsworth is not pedophile

14 118. Mr. Unsworth has never engaged in an act of pedophilia.

15 119. Mr. Unsworth is not a child rapist.

16 120. Mr. Unsworth has never raped a child (or anyone else).

17 121. Mr. Unsworth is not a child sex-trafficker.

18 122. Mr. Unsworth has never in engaged in an act of child sex-trafficking
19 (or adult sex-trafficking).

20 123. Mr. Unsworth is not married to a 12-year old child.

21 124. Mr. Unsworth has never been married to a 12-year old child (or any
22 minor child).

23 125. Mr. Unsworth is not a liar.

24 126. Mr. Unsworth did not lie in the CNN Interview.

1 127. The False and Defamatory Accusations, individually and collectively,
2 were published without privilege and were published with actual malice.

3 128. The False and Defamatory Accusations, individually and collectively,
4 are defamatory per se and damages to Mr. Unsworth are presumed as a matter of
5 law.
6

7 129. The False and Defamatory Accusations are libelous on their face in that
8 they are defamatory of Mr. Unsworth without the necessity of explanatory matter or
9 other extrinsic facts, and/or they impute to Mr. Unsworth criminal conduct.

10 130. The False and Defamatory Accusations directly and proximately
11 caused substantial and permanent damage to Mr. Unsworth.
12

13 131. Musk negligently published the False and Defamatory Accusations.

14 132. Musk published the False and Defamatory Accusations with actual
15 malice, that is, with actual knowledge of falsity or a reckless disregard for truth or
16 falsity.

17 133. Musk has never retracted the False and Defamatory Accusations.

18 134. Musk published the False and Defamatory Accusations without
19 conducting a reasonable investigation.
20

21 135. The False and Defamatory Accusations were manufactured out of
22 whole cloth by Musk out of a belief on his part that his wealth and stature allowed
23 him to falsely accuse Mr. Unsworth with impunity simply because Musk disagreed
24 with Mr. Unsworth's assessment of the viability of the Tube expressed in the CNN
25 Interview.
26

27 136. The False and Defamatory Accusations include accusations by Musk
28 that are the product of intentional misrepresentation of comments by third parties

1 involved in the Thailand Cave Rescue about Mr. Unsworth's involvement in the
2 rescue.

3 137. Musk published the False and Defamatory Accusations without any
4 reliable or credible sources or information.

5 138. Apparently angered by his efforts being rejected or not being
6 recognized, Musk intentionally sought to strike out publicly against Mr. Unsworth
7 by damaging his reputation with a salacious and spurious accusation of pedophilia.

8 139. Despite his total lack of information supporting his False and
9 Defamatory Accusations, Musk overtly conveyed to the world that he was in
10 possession of undisclosed false and defamatory facts proving Mr. Unsworth to be
11 guilty of the accusations Musk lodged against him.

12 140. Musk is liable for damages for each False and Defamatory Accusations
13 and for all republications of the False and Defamatory Accusations.

14 141. Mr. Unsworth has suffered emotional distress as a result of Musk's
15 False and Defamatory Accusations.

16 142. Because Musk published the False and Defamatory Accusations with
17 both Constitutional and common law malice, Mr. Unsworth is entitled to an award
18 of punitive damages to punish him for his wrongdoing and deter him from repeating
19 such heinous conduct in the future against others.

20 143. Musk's conduct was willful and demonstrates that entire want of care
21 that raises a conscious indifference to consequences.

22 **WHEREFORE**, Plaintiff, Vernon Unsworth, respectfully prays for judgment
23 against Defendant, Elon Musk, as follows:
24
25
26
27
28

1 (a) That judgment be entered against Defendant Musk for compensatory
2 damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) as
3 determined to be reasonable and just by the jury under the evidence in this case;

4 (b) That judgment be entered against Defendant Elon Musk for punitive
5 damages in an amount shown to be reasonable and just under the evidence to punish
6 Musk and deter him from repeating such conduct;

7 (c) That an injunction be issued against Defendant Elon Musk ordering
8 him to refrain from making further publication of the False and Defamatory
9 Accusations;

10 (d) That all costs of this action be taxed to Defendant; and

11 (e) That the Court grant all such other and further relief that the Court
12
13
14 deems just and proper.

15 **JURY TRIAL DEMANDED**

16 Dated: September 17, 2018

L. LIN WOOD, P.C.

L. Lin Wood

By: 

L. Lin Wood

CHATHAM LAW GROUP

Robert Christopher Chatham

By: 

Robert Christopher Chatham

Attorneys for Plaintiff
VERNON UNSWORTH

25 United Kingdom Counsel to Plaintiff:

26 Mark Stephens, CBE

Howard Kennedy LLP

27 No.1 London Bridge London SE1 9BG, United Kingdom

28 DX 144370 Southwark 4

DEMAND FOR JURY TRIAL

Pursuant to Local Rule 38-1, Plaintiff demands a jury trial in this action.

Dated: September 17, 2018

CHATHAM LAW GROUP
Robert Christopher Chatham


By: 
Robert Christopher Chatham
Attorney for Plaintiff
VERNON UNSWORTH

EXHIBIT A

EXHIBIT A

Exhibit 1 – Timeline of Events

2011 – Mr. Unsworth travels to Thailand for the first time in his life.

May 2012 – Mr. Unsworth begins exploring the Tham Luang Nang Non cave in Northern Thailand (the “Cave System”).

June 23, 2018 – Twelve Thai boys, ages eleven to sixteen, and their soccer coach (the “Boys”) enter the Cave.

June 24, 2018 – Mr. Unsworth received a telephone call from the father of his significant other and also from a prominent local businessman and Thai government official regarding the missing Boys.

June 28, 2018 – United States military personnel deployed to rescue site.

July 2, 2018 – With the help of Cave System surveys prepared by Mr. Unsworth and an associate, the Boys were found on July 2, 2018, by cave diving experts Mr. Volanthen and Mr. Stanton.

July 6, 2018 – Official decision was made to extricate the Boys using rescue divers.

July 8, 2018 – Rescue team extracts four (4) Boys from the Cave System.

July 9, 2018 – Rescue team extracts four (4) more Boys from the Cave System.

July 9 (very late) or 10 (early hours), 2018 – Musk delivers a mini-submarine – a metallic tube with several protruding parts (the “Tube”) – to the Cave System.

July 10, 2018 – Rescue team extracts remaining five (5) Boys from the Cave System.

July 13, 2018 – In an interview with CNN, Mr. Unsworth stated, *inter alia*, that Musk’s Tube was a “PR stunt,” that the Tube “had absolutely no chance of working,” and that Musk “had no conception of what the cave passage was like,” adding that “[Musk] can stick his submarine where it hurts.”

July 15, 2018

– Musk publishes first tweet about Mr. Unsworth stating, “Never saw this British expat guy who lives in Thailand (sus[picious]) at any point when we were in the caves. Only people in sight were the Thai navy/army guys, who were great. Thai navy seals escorted us in – total opposite of wanting us to leave.”

– Musk publishes second tweet about Mr. Unsworth stating, “Water level was actually very low & still (not flowing) – you could literally have swum to Cave 5 with no gear, which is obv how the kids got in. If not true, then I challenge this dude to show final rescue video. Huge credit to pump & generator team. Unsung heroes here.”

- Musk publishes third tweet about Mr. Unsworth stating, “You know what, don’t bother showing the video. We will make one of the mini-sub/pod going all the way to Cave 5 no problem. Sorry **pedo** guy, you really did ask for it.” (emphasis added).
- Musk publishes fourth tweet about Mr. Unsworth stating, “Bet ya a signed dollar it’s true.”

July 18, 2018

- Musk publishes fifth tweet about Mr. Unsworth stating, “As this well-written article suggests, my words were spoken in anger after Mr. Unsworth said several untruths & suggested I engage in a sexual act with the mini-sub, which had been built as an act of kindness & according to specifications from the dive team leader.”
- Musk publishes sixth tweet about Mr. Unsworth stating, “Nonetheless, his actions against me do not justify my actions against him, and for that I apologize to Mr. Unsworth and to the companies I represent as leader. The fault is mine and mine alone.”

August 6, 2018 – Counsel for Mr. Unsworth sends demand letter to Musk regarding his false and defamatory tweets about Mr. Unsworth.

August 28, 2018 – Musk publishes seventh tweet about Mr. Unsworth stating, “You don’t think it’s strange he hasn’t sued me? He was offered free legal services. And you call yourself @yoda”

August 29, 2018

- Unsworth Attorney Lin Wood tweet reply to Musk August 28 tweet stating, “@elonmusk should check his mail before tweeting” and attaches copy of August 6 letter.
- BuzzFeed News publishes article entitled “Elon Musk Has Revisited His Baseless Pedophile Claims.”

August 30, 2018

- Musk emails BuzzFeed News reporter stating, *inter alia*:

I suggest that you call people you know in Thailand, find out what’s actually going on and stop defending *child rapists*, you f****ing a**hole. He’s an old, single white guy from England who’s been traveling or living in Thailand for 30 to 40 years, mostly Pattaya Beach, *until moving to Chiang Rai for a child bride who was about 12 years old at the time*. There’s only one reason people go to Pattaya Beach. It isn’t where you’d go for caves, but it is where you’d go for something else. Chiang Rai is renowned for child sex-trafficking.

He may claim to know how to cave dive, but he wasn’t on the cave dive rescue team and most of the actual dive team refused to hang out with him. I wonder why.

. . .

As for this alleged threat of a lawsuit, which magically appeared when I raised the issue (nothing was sent or raised beforehand), I f****ing hope he sues me.

– Musk sends second email to BuzzFeed News reporter stating, *inter alia*, “Unsworth also said I was asked to leave by the Thai govt, which is utterly false. . . . Never saw Unsworth at any point. Was told he was banned from the site.”

September 4, 2018 – BuzzFeed News publishes article entitled “In A New Email, Elon Musk Accused A Cave Rescuer Of Being A ‘Child Rapist’ And Said He ‘Hopes’ There’s A Lawsuit.”

EXHIBIT B

EXHIBIT B



Elon Musk

@elonmusk

Follow



Replying to @zeynep

Never saw this British expat guy who lives in Thailand (sus) at any point when we were in the caves. Only people in sight were the Thai navy/army guys, who were great. Thai navy seals escorted us in — total opposite of wanting us to leave.

6:56 AM - 15 Jul 2018

344 Retweets 4,552 Likes



236



344



4.6K



EXHIBIT C

EXHIBIT C



Elon Musk ● @elonmusk · 24m

Never saw this British expat guy who lives in Thailand (sus) at any point when we were in the caves. Only people in sight were the Thai navy/army guys, who were great. Thai navy seals escorted us in — total opposite of wanting us to leave.



Elon Musk ●

@elonmusk

Follow

Replying to @elonmusk @zeynep

Water level was actually very low & still (not flowing) — you could literally have swum to Cave 5 with no gear, which is obv how the kids got in. If not true, then I challenge this dude to show final rescue video. Huge credit to pump & generator team. Unsung heroes here.

7:04 AM · 15 Jul 2018

10 Retweets 134 Likes



20



10



134



20



Elon Musk ● @elonmusk · 10m

Replying to @elonmusk @zeynep

You know what, don't bother showing the video. We will make one of the mini-sub/pod going all the way to Cave 5 no problemo. Sorry pedo guy, you really did ask for it.



34



10



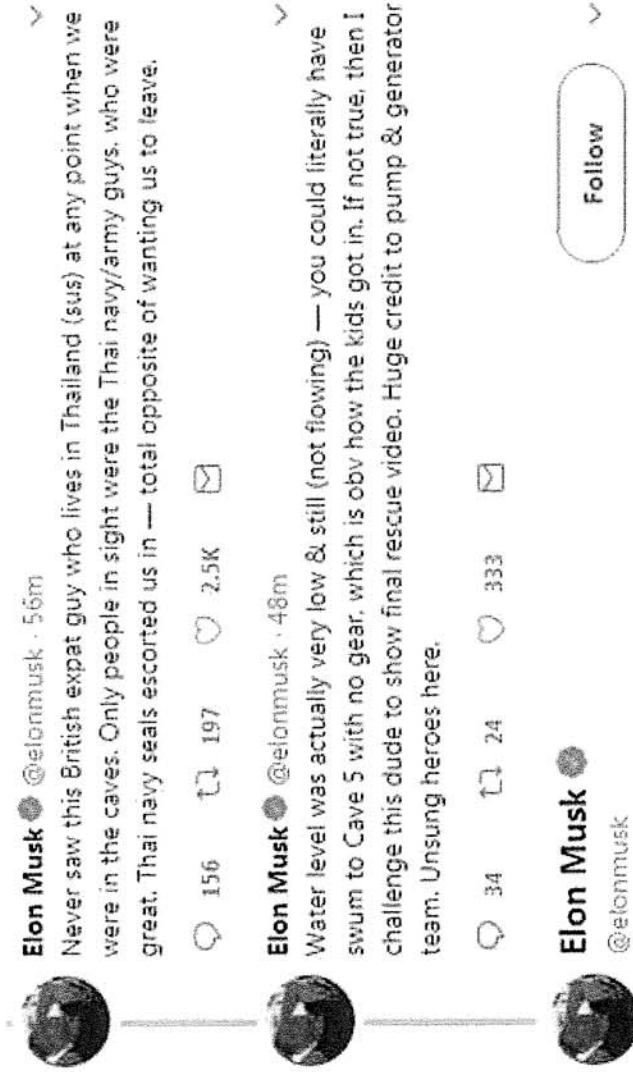
83



34

EXHIBIT D

EXHIBIT D



Replying to @elonmusk @zeynep

You know what, don't bother showing the video. We will make one of the mini-sub/pod going all the way to Cave 5 no problemo. Sorry pedo guy, you really did ask for it.

4:10 AM - 15 Jul 2018

EXHIBIT E

EXHIBIT E



Elon Musk
@elonmusk



Replying to @GossiTheDog

Bet ya a signed dollar it's true

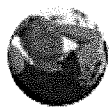
11:11 AM - 15 Jul 2018

44 Retweets 255 Likes



EXHIBIT F

EXHIBIT F



Elon Musk

@elonmusk

Follow



Replying to @adamchavez

As this well-written article suggests, my words were spoken in anger after Mr. Unsworth said several untruths & suggested I engage in a sexual act with the mini-sub, which had been built as an act of kindness & according to specifications from the dive team leader.

11:38 PM - 17 Jul 2018

1,976 Retweets **22,248** Likes



1.6K



2.0K



22K



EXHIBIT G

EXHIBIT G



Elon Musk

@elonmusk

Follow



Replying to @elonmusk @adamchavez

Nonetheless, his actions against me do not justify my actions against him, and for that I apologize to Mr. Unsworth and to the companies I represent as leader. The fault is mine and mine alone.

11:41 PM - 17 Jul 2018

1,054 Retweets 8,753 Likes



1.1K 1.1K 8.8K



EXHIBIT H

EXHIBIT H

L. LIN WOOD, P.C.
TRIAL LAWYERS

L. LIN WOOD
Direct Dial: (404) 891-1406
lwood@linwoodlaw.com

August 6, 2018

VIA FEDEX & ELECTRONIC MAIL

Mr. Elon Musk
10911 Chalon Road
Los Angeles, CA 90077
elon.musk@spacex.com

RE: Defamation of Vernon Unsworth

Dear Mr. Musk:

I have been retained by Vernon Unsworth to represent his interests in connection with the publication on your Twitter account of false and defamatory statements conveying that Mr. Unsworth is a pedophile. More specifically, you published through three different tweets to your twenty-two million followers that Mr. Unsworth engages in the sexual exploitation of Thai children, and you did so at a time when he was working to save the lives of twelve Thai children. You did so without any basis. According to a subsequent Twitter post, you did so out of anger.

I am in the process of preparing a civil complaint for libel against you. In an attempt to avoid litigation and to see the public record corrected, I invite you or your legal representatives to contact me.

Sincerely,



L. Lin Wood

cc: Mr. Vernon Unsworth
Mark Stephens, CBE, Howard Kennedy LLP

EXHIBIT I

EXHIBIT I



drew olanoff  @yoda · Aug 29, 2018



Replying to @yoda and 3 others

one other thing, elon. your dedication to facts and truth would have been wonderful if applied to that time when you called someone a pedo.



Elon Musk 

@elonmusk

You don't think it's strange he hasn't sued me? He was offered free legal services. And you call yourself @yoda ...

2:41 AM - Aug 29, 2018

♡ 1,551 💬 869 people are talking about this



EXHIBIT J

EXHIBIT J

9/11/2018

Elon Musk Has Revisited His Baseless Pedophile Claims

BuzzFeed News

Hurricane Florence 9/11 Anniversary Dallas Apartment Shooting US Open Controversy

TECH

Elon Musk Has Revisited His Baseless Pedophile Claims

"You don't think it's strange he hasn't sued me?"

By Ryan Mac

Last updated on August 29, 2018, at 6:30 a.m. ET

Posted on August 28, 2018, at 2:01 p.m. ET



Peter Parks/AFP / Getty Images

Tesla and SpaceX CEO Elon Musk is making life difficult for himself on Twitter again. Days after picking up the pieces from a failed bid to take his electric car manufacturer private — an attempt seemingly initiated by an ill-advised tweet — the billionaire revisited a groundless accusation he made about a private

Back in July, Musk was forced to apologize after facing widespread condemnation for calling a British diver, who had criticized his attempts to aid a cave rescue effort in Thailand, a “pedo” on the social media site. On Tuesday, in a chain with several Twitter users, including the author of this story, Tesla’s CEO revisited the claim, asking an individual whether they had investigated the pedophile claim leveled against the diver, Vern Unsworth.

While Tesla’s board members have reportedly asked Musk to stay off Twitter and focus on building cars and running his company, the 47-year-old tech luminary seems to have disregarded their guidance resurrecting a possibly defamatory remark for which he had already apologized.

A Tesla spokesperson declined to comment.

Tuesday’s back-and-forth began with Musk responding to a tweet about a previous interview he had given to the New York Times, in which he allegedly cried and detailed how difficult the last few months have been for him. In a tweet, however, Tesla’s CEO denied that he had shed any tears.

“For the record, my voice cracked once during the NY Times article,” he wrote. “That’s it. There were no tears.”

In the discussion that followed, Drew Olanoff, a former technology reporter who goes by the name @Yoda on Twitter, joked about Musk’s defense of himself. In a follow-up message, Olanoff suggested that Musk would be more believable had he been more dedicated to the truth before accusing someone of being a pedophile with no evidence.

And that’s when Musk suggested the pedophilia accusation wasn’t baseless at all.



Elon Musk ✓

@elonmusk

Following



9/11/2018

Elon Musk Has Revisited His Baseless Pedophile Claims

YOU DON'T THINK IT'S STRANGE HE HASN'T SUED
me? He was offered free legal services. And
you call yourself @yoda ...

9:41 AM - 28 Aug 2018

46 Retweets 333 Likes



93

46

333



Twitter / Via Twitter.com

"You don't think it's strange he hasn't sued me?" Musk responded, suggesting that Unsworth's lack of legal action against him was a red flag. "He was offered free legal services."

"Did you investigate at all?" he said in a follow-up tweet to Olanoff. "I'm guessing answer is no. Why?"

Olanoff, who told BuzzFeed News that he stood by the point he made, fired back barbs of his own.

"i think a lot of things are strange, elon," he wrote. "what i think is especially strange here is that you're wondering why he hasn't sued you while the rest of us are wondering why you did something so egregious that he could sue you for in the first place."

Other reporters, including the author of this post, also tweeted at Musk, asking about his suggestions to investigate the baseless claims. The Tesla CEO did not respond to any of those tweets, but did note that Olanoff should be "a truth-seeker" because of his Twitter name, @Yoda. It's unclear what "truths" Musk was referring to.

Beyond pondering why a private citizen has yet to sue him, Musk has plenty of

while the company is now facing several shareholder lawsuits over the matter. What's more, its top communications executive is leaving after a year that's been riddled with scandals, missed production goals, and unexpected tweets from the company's CEO.

Speaking to Sky News on Wednesday, Unsworth said he couldn't comment on the matter for legal reasons, but said: "It's all being dealt with, that's all I can say."

UPDATE

August 28, 2018, at 3:17 p.m.

The story has been updated with a comment from Drew Olanoff.

MORE STORIES ABOUT ELON MUSK

Elon Musk Has Apologized After Calling A Thai Cave Rescuer A "Pedo"

Hazel Shearing · Jul. 18, 2018

Elon Musk Has Always Been At War With The Media

Caroline O'Donovan · Jun. 21, 2018

At Tesla's Factory, Building The Car Of The Future Has Painful And Permanent Consequences For Some Workers

Caroline O'Donovan · Feb. 4, 2018



Ryan Mac is a senior tech reporter for BuzzFeed News and is based in San Francisco.

Contact Ryan Mac at ryan.mac@buzzfeed.com.

Got a confidential tip? [Submit it here](#).

News Moves Fast

9/11/2018

Elon Musk Has Revisited His Baseless Pedophile Claims

Keep up with the BuzzFeed News daily email!

 **View Comments**

11 Comments

Sort by **Kenneth Clogg-Wright**

What happened to the days when CEO just shut up and did their jobs... Social media is destroying society! sigh

Like · Reply · 3 · 2w

**Phinneus Plum**

I think it's their inability to control themselves & keep their mouths shut that is ruining society.

Like · Reply · 13 · 1w

**Alaire Mansell**

I love social media just for this reason. Now when someone says something that is so mind-bendingly stupid, it comes directly from them, not their PR, not their handlers.
If a CEO (or president, or senator, or any other person with a lot of power) suffers the consequences of their own idiocy

MAYBE IT'S TIME FOR SOCIETY TO BURN DOWN!

Like · Reply · 9 · 1w

**Ryan Matthew Jones**

Why are you working under the assumption that social media is to blame? It's not like CEOs haven't made idiotic comments before. Now it's just readily available.

Like · Reply · 6 · 1w

**Lena Wagenfuehr**

People used to laugh at me when I said Elon Musk was Trump in training...since July, no one has even giggled. The only good thing here (for the USA) is that he was born in South Africa to non

9/11/2018

Elon Musk Has Revisited His Baseless Pedophile Claims

**Melanie Schneiderman**

I'm so torn. Musk is a visionary, but sometimes when people label you a "visionary," they think they have free range to do whatever the hell they want. Elon Musk has some interesting ideas, but many of them don't seem feasible. Hey what do I know? I AM a Russian immigrant. I feel like that means (in the US right now) my voice/opinion doesn't matter much 😞

Like · Reply · 1w

**Nate Lazarus**

None of our voices matter...we're being drowned out by the super-rich and their dumbass Trump followers.

Like · Reply · 2 · 6d

**Melanie Schneiderman**

Nate Lazarus You're so right, unfortunately

Like · Reply · 4d

**Reemadree Monzur**

scientists are digging a hole in antarctica for ice cores but they'll never dig a deeper hole than elon musk is for himself.

Like · Reply · 27 · 1w

**Maxie Pad**

Lil Elon's ego, fame-whoring and lack of self-restraint are on par with Trump's, and he's decades younger. He might want to take a chill pill before he bursts into a puddle of self-pity.

Like · Reply · 3 · 1w · Edited

**Caitlin Adane**

Maybe it was a reference to all the Sex Tourism in Thailand ?
Most of them a foreigners .

Like · Reply · 3 · 1w

**Katherine Handcock**

Gosh, why wouldn't he sue someone who has a ridiculous amount of money to throw at lawyers??

Like · Reply · 2 · 1w

**K Thomas Mcgee**

What is wrong with this rich little dork? Seems like he's having a tough week, could someone bring him a box of animal crackers and a juice box?

Like · Reply · 2 · 1w

**Lauren Seals**

He needs to do less coke.

9/11/2018

Elon Musk Has Revisited His Baseless Pedophile Claims



Ryan Mac

Dooooood! You NEED to shut up!

Like · Reply · 1 · 1w

TRENDING NEWS



A Cartoonist's Drawing Of Serena Williams At The US Open Final Is Causing Outrage



The Man Behind The Serena Williams His Social Media Accounts

TOP BUZZ



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EXHIBIT K

EXHIBIT K

BuzzFeed News

Hurricane Florence 9/11 Anniversary Dallas Apartment Shooting US Open Controversy

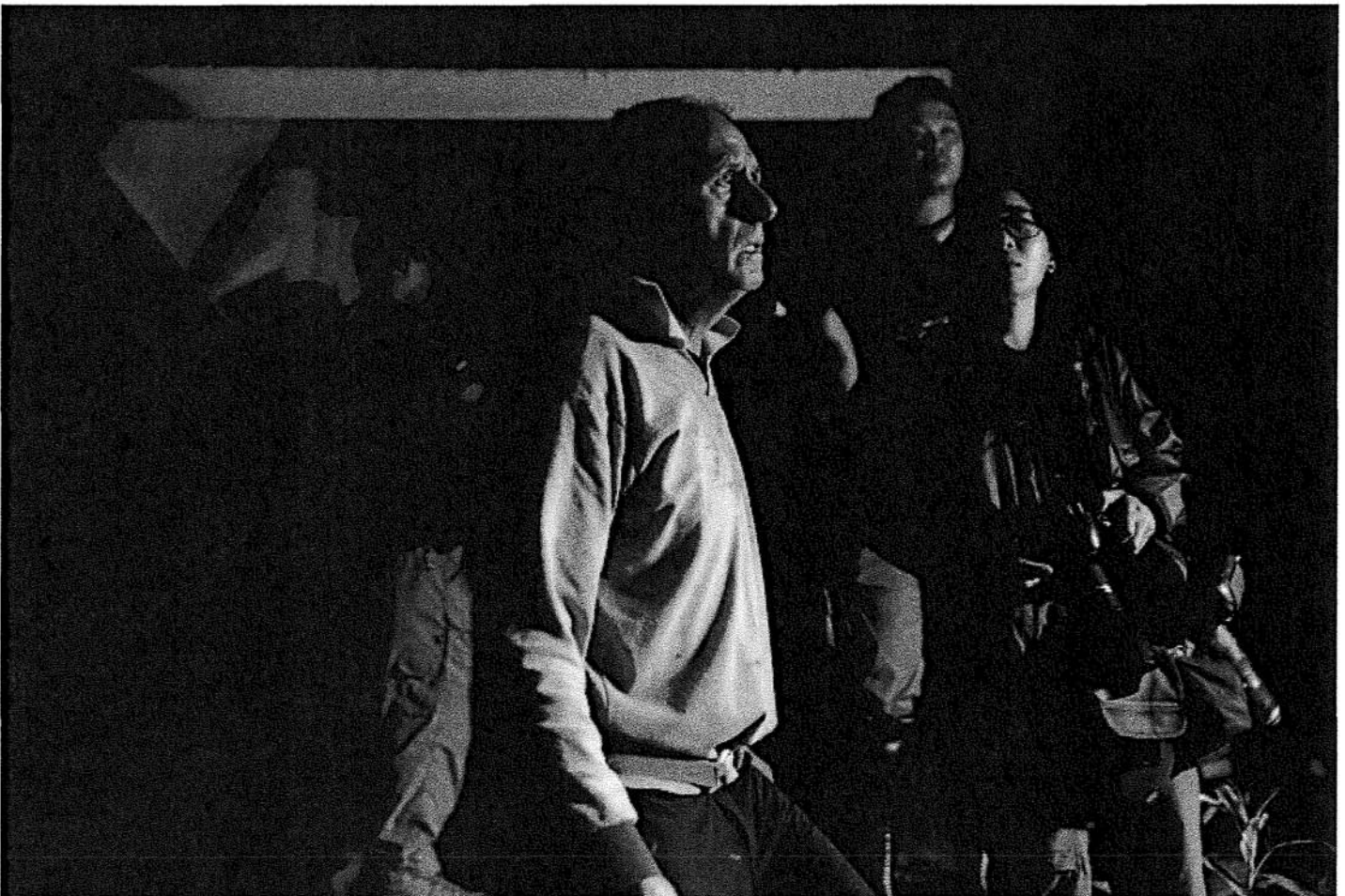
TECH

In A New Email, Elon Musk Accused A Cave Rescuer Of Being A "Child Rapist" And Said He "Hopes" There's A Lawsuit

In an email to BuzzFeed News, Tesla CEO Elon Musk accused a Thai cave rescuer of moving to Thailand to take a child bride. The rescuer denied all the claims.

By Ryan Mac and Mark Di Stefano and John Paczkowski

Posted on September 4, 2018, at 5:04 p.m. ET



British caver Vernon Unsworth at the Tham Luang cave complex during a search for members of a soccer team

Tesla CEO Elon Musk has renewed his attacks against a British man who played a key role in the rescue of a youth soccer team trapped in a flooded cave in Thailand.

Musk last month apologized for accusing Vernon Unsworth of pedophilia after the diver questioned the value of Musk's contribution to the rescue, a small submarine that ultimately went unused. But in a series of emails to BuzzFeed News, Musk repeated his original attacks on Unsworth — and made new and specific claims, lambasting the rescuer as a "child rapist" who had moved to the Southeast Asian country to take a child bride. Unsworth denied Musk's accusations through his attorney.

Though Musk prefaced one email with "off the record," BuzzFeed News did not agree to that condition of the correspondence. (Per common journalistic practice, a conversation is off the record only if both parties agree to the terms.)

BuzzFeed News first emailed Musk last Wednesday to ask for comment regarding a legal threat made by Unsworth's lawyer in August after the Tesla CEO renewed his apparently evidenceless criticism of the rescuer in a Twitter argument the day before. Musk responded without addressing the substance of the legal threat. BuzzFeed News followed up twice, once on Wednesday and once on Thursday, and Musk responded with two separate emails.

"I suggest that you call people you know in Thailand, find out what's actually going on and stop defending child rapists, you fucking asshole."

"I suggest that you call people you know in Thailand, find out what's actually going on and stop defending child rapists, you fucking asshole," Musk wrote in

9/11/2018

In A New Email, Elon Musk Accused A Cave Rescuer Of Being A "Child Rapist" And Said He "Hopes" There's A Lawsuit

traveling to or living in Thailand for 30 to 40 years, mostly Pattaya Beach, until moving to Chiang Rai for a child bride who was about 12 years old at the time."

"As for this alleged threat of a lawsuit, which magically appeared when I raised the issue (nothing was sent or raised beforehand), I fucking hope he sues me," he added.

It is unclear why Musk believes the allegations against Unsworth or what evidence he has to support them. Musk did not provide proof of his claims to BuzzFeed News, and BuzzFeed News could not verify any of the claims after reporting on Unsworth's background.

On Thu, Aug 30, 2018 at 6:43 PM, Elon Musk <[REDACTED]> wrote:
Off the record

I suggest that you call people you know in Thailand, find out what's actually going on and stop defending child rapists. you fucking asshole. He's an old, single white guy from England who's been traveling to or living in Thailand for 30 to 40 years, mostly Pattaya Beach, until moving to Chiang Rai for a child bride who was about 12 years old at the time. There's only one reason people go to Pattaya Beach. It isn't where you'd go for caves, but it is where you'd go for something else. Chiang Rai is renowned for child sex-trafficking.

He may claim to know how to cave dive, but he wasn't on the cave dive rescue team and most of the actual dive team refused to hang out with him. I wonder why ...

<https://www.google.com/search?q=chiang+rai+child+trafficking&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari>

As for this alleged threat of a lawsuit, which magically appeared when I raised the issue (nothing was sent or raised beforehand), I fucking hope he sues me.

BuzzFeed News

The Tesla CEO's continued campaign against Unsworth offers a glimpse into the new ability of some of the world's wealthiest and most powerful figures to directly attack private citizens who cross them — and will test the capacity of traditional legal tools against them.

"Elon Musk can tweet his vindictive and vicious lie about Mr. Unsworth a hundred times and it will still be a lie," Unsworth's lawyer, L. Lin Wood, wrote

Mr Musk has continued to republish his false and unsupportable accusation. His conduct demonstrates that his recklessness is intentional and designed to harm Mr. Unsworth."

A spokesperson for Tesla did not immediately return a request for comment on Musk's newest allegations, and referred to a previous statement issued by the board in response to a question about its support for the company's CEO.

The feud began in July when Musk tweeted that Unsworth was "a pedo guy" after the rescuer called the billionaire's attempt to use a custom-designed submarine in the rescue effort a "publicity stunt." Musk later apologized and deleted this tweets, but revisited the claim last week in an argument on Twitter, asking why Unsworth hadn't sued yet if the accusations were indeed untrue. BuzzFeed News then reported that Wood had actually sent Musk a letter warning of a possible defamation suit in early August.

Musk's renewed attacks on Unsworth come after a series of erratic public gestures, notably a widely publicized suggestion that he would take Tesla private and the narration of his home life by the rapper Azealia Banks. And the new accusations leveled at Unsworth threaten to undermine a recent charm offensive intended to frame the CEO's erratic behavior as the actions of an overworked luminary struggling to maintain his world-changing businesses. It's been a particularly difficult summer for the billionaire, marked by Tesla's missed production goals, clashes with reporters, and his failed attempt to take his car company private.

Despite that, Musk still managed to maintain a dispute with Unsworth, a 63-year-old cave explorer and diver, whom he has now accused of taking a child bride.

BuzzFeed News could find no evidence to support that claim, and Musk did not provide any documentation to support his accusations. Publicly available legal documents do nothing to support Musk's claims: BuzzFeed News could not

Separately, a Thai immigration official named Ploy Pailin told BuzzFeed News that an individual on a visa would likely not have it renewed if they had been found guilty of criminal activity in the country. Pailin also said that while foreigners applying for visas in Thailand do not undergo mandatory background checks, those who are found guilty of serious crimes are often blacklisted by the government and can be removed from the country.

BuzzFeed News

BuzzFeed News also spoke with Woranan Ratrawiphukkun, a Thai woman who is Unsworth's longtime girlfriend. She said she had been with Unsworth for more than seven years and has posted numerous photos about their relationship on social media dating back several years. Unsworth, she added, spends part of the year in Thailand and part of the time in the UK.

Ratrawiphukkun, who said she is 40, declined to comment on Musk's allegations against Unsworth, and referred a reporter to his lawyers.

Among Musk's other claims about Unsworth is that he was not part of the actual dive team in the Thailand cave rescue. While Unsworth did not dive for

the Brit as instrumental to the effort, as he had previously mapped and explored some of the cave system and recruited some of the divers who went into the cave.

"He may claim to know how to cave dive, but he wasn't on the cave dive rescue team and most of the actual dive team refused to hang out with him," Musk wrote in one email. In another email in which Musk wrote "on background" — BuzzFeed News again did not agree to these terms — the Tesla CEO said, "Never saw Unsworth at any point. Was told he was banned from the site."

A British diver on the rescue mission who had previously been in contact with Musk, Rick Stanton, denied those claims.

"I've no idea what gave you those concerns about Vern," Stanton wrote over Facebook Messenger. "They are completely unfounded. He was never kicked off site by anyone and worked continuously on the rescue for the full duration. He was pivotal to the entire operation."

Two Australian specialists who were brought in by the Thai government to aid the Thai cave rescue operation, Richard Harris and Craig Challen, also rejected Musk's allegation.

"Vern seemed like an excellent guy and absolutely vital to the mission," said Harris, who, with Challen, helped in the sedation of the Thai boys before they were brought out of the cave by the British divers. "You must be confusing him with someone else."

"He was pivotal with his knowledge of the cave. [The] rescue wouldn't have happened without him recommending the Brits were called," Harris said.

Photos and videos posted on Facebook by Woranan and members of the local Thai news media show Unsworth at the site through the duration of the operation, which lasted more than two weeks in the country's Chiang Rai province. Some of those photos show Unsworth posing with other British

In his second email to BuzzFeed News, Musk commented on Unsworth's interview with CNN.

"Unsworth also said I was asked to leave by the Thai govt, which is utterly false. Thai Prime Minister thanked me personally per attached docs. I went all the way to area 3 with the Thai SEAL team, who were awesome."

Unsworth did say that Musk was asked to leave the cave in the interview, but did not specify who had asked him.

Musk also supplied a letter to BuzzFeed News from the Thai prime minister thanking him for his team's involvement in the rescue. "I wish to convey my deep appreciation to you and your engineering team for your expeditious and extraordinary efforts in constructing the Space-X mini-submarine 'Wild Boar' to assist the rescue operation of the Moo Pa Academy Football team trapped in Tham Luang Cave, Chiang Rai province," wrote General Prayut Chan-o-cha.

Elon Musk provided to BuzzFeed News

In addition, Musk claimed that the mini-sub, which ultimately was not used in the rescue, was built to Stanton's specifications, and that it was not deployed only because too much water had been drained from the cave. Stanton, however, denied that was the reason, and said he did not recall providing exact specifications to Musk.

"We didn't use the tube because rescue operations were already well underway and it didn't have the necessary life support systems," Stanton said to BuzzFeed News on Facebook Messenger. "Essentially, it wasn't developed enough. I do think it has promise in certain situations and I hope they keep working on it to get it in shape for evaluation and to be considered as a viable alternative in future underwater rescue scenarios."

In another claim, Musk noted that "the alleged threat of a lawsuit" from Unsworth "magically appeared when I raised the issue" on Twitter last week

lawyer, provided BuzzFeed News with confirmation showing that he had sent a note titled "Fwd: Defamation of Vernon Unsworth" containing the legal letter to the appropriate email address for Musk's office at SpaceX on Aug. 6.

BuzzFeed News corresponded with the Tesla and SpaceX CEO at a separate, personal email address that two sources confirmed belonged to Musk. One source, who had previously worked for Musk, noted that the email address can be accessed by the billionaire and his assistants. The source noted that it was not uncommon for Musk to personally respond to reporters and other people through that account.

Wood did not respond to questions asking him to more specifically address each of Musk's accusations, but suggested that he was moving closer to legal action.

"Today the rich and powerful seem all too ready to tweet falsities in the hope and expectation that their wealth and position will protect them," he wrote in a statement. "Pedophilia is too serious an issue to leave unchallenged. If Mr. Musk believes his wealth affords him protection from his lies and Twibels, he is sadly mistaken."

Here are the emails Elon Musk sent to BuzzFeed News reporter Ryan Mac

From: Elon Musk <redacted>
Date: Thu, Aug 30, 2018 at 6:43 PM
Subject: RE: BuzzFeed News: Unsworth legal letter
To: "ryan.mac@buzzfeed.com"

Off the record

I suggest that you call people you know in Thailand, find out what's actually going on and stop defending child rapists, you fucking asshole.

He's an old, single white guy from England who's been traveling to or

moving to Chiang Rai for a child bride who was about 12 years old at the time. There's only one reason people go to Pattaya Beach. It isn't where you'd go for caves, but it is where you'd go for something else. Chiang Rai is renowned for child sex-trafficking.

He may claim to know how to cave dive, but he wasn't on the cave dive rescue team and most of the actual dive team refused to hang out with him. I wonder why ...

<https://www.google.com/search?q=chiang+rai+child+trafficking&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari>

As for this alleged threat of a lawsuit, which magically appeared when I raised the issue (nothing was sent or raised beforehand), I fucking hope he sues me.

From: Elon Musk <redacted >
Date: Thu, Aug 30, 2018 at 7:16 PM
Subject: Fwd: Letters
To: "ryan.mac@buzzfeed.com"
On background

Unsworth also said I was asked to leave by the Thai govt, which is utterly false. Thai Prime Minister thanked me personally per attached docs. I went all the way to area 3 with the Thai SEAL team, who were awesome. Never saw Unsworth at any point. Was told he was banned from the site.

It is also total bs that the mini-sub wouldn't fit through the caves. It

9/11/2018

In A New Email, Elon Musk Accused A Cave Rescuer Of Being A "Child Rapist" And Said He "Hopes" There's A Lawsuit

Stanton and the actual dive team. The only reason it wasn't used was that they were able to drain almost all the water out of the caves, so the underwater portion was very short, and the monsoon arrived later than expected.

Those pumps were critical. Some of the Tesla team helped with electrical power, but major credit to whoever provided those pumps. They were amazing. I'm told they were from some company in India.

MORE ON MUSK AND THE RESCUER

Elon Musk Has Revisited His Baseless Pedophile Claims

Ryan Mac · Aug. 28, 2018

The Cave Rescuer Elon Musk Called A "Pedo" Has Lawyered Up And Is Preparing A Libel Claim

Ryan Mac · Aug. 29, 2018

Elon Musk Has Apologized After Calling A Thai Cave Rescuer A "Pedo"

Hazel Shearing · Jul. 18, 2018

Elon Musk Has Always Been At War With The Media

Caroline O'Donovan · Jun. 21, 2018

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Ryan Mac is a senior tech reporter for BuzzFeed News and is based in San Francisco.

Contact [Ryan Mac](#) at ryan.mac@buzzfeed.com.

Got a confidential tip? [Submit it here.](#)



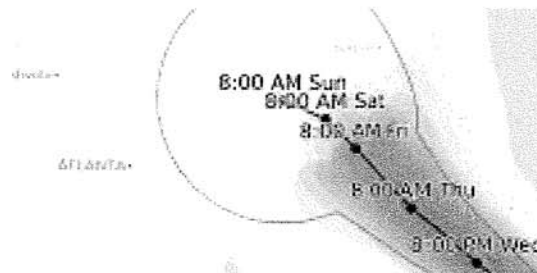
Mark Di Stefano is a media and politics correspondent for BuzzFeed News and is based in London.



Contact John Paczkowski at john.paczkowski@buzzfeed.com.

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[illegible]




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EXHIBIT Q



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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TESLA, INC., a Delaware
Corporation,

Plaintiff,

vs.

Case No: 3:18-cv-00296-LRH-CBC

MARTIN TRIPP, an individual,

Defendant.

MARTIN TRIPP, an individual,

Counterclaimant,

vs.

TESLA, INC., a Delaware
Corporation,

Counterdefendant.

VIDEOTAPED DEPOSITION OF

JACOB NOCON

TAKEN ON
FRIDAY, MAY 17, 2019
9:01 A.M.

COURTYARD CONFERENCE CENTER
FOUR SEASONS CONFERENCE ROOM
4320 EL CAMINO REAL
PALO ALTO, CALIFORNIA 94022

APPEARANCES

FOR THE PLAINTIFF & COUNTERDEFENDANT:

ALLISON LIBEU, ESQUIRE

STEPHAN RICHARDS, ESQUIRE

HUESTON HENNIGAN, LLP

620 Newport Center Drive, Suite 1300

Newport Beach, CA 92660

(949) 273-4153

(888) 775-0898 (Fax)

alibeu@hueston.com

FOR THE WITNESS:

MATTHEW D. UMHOFFER, ESQUIRE

SPERTUS LANDES & UMHOFFER, LLP

1990 South Bundy Drive, Suite 705

Los Angeles, CA 90025

(310) 826-04700

(310) 826-4711 (Fax)

matthew@spertuslaw.com

1 **APPEARANCES CONTINUED**

2

3 **FOR THE DEFENDANT & COUNTERCLAIMANT:**

4 WILLIAM FISCHBACH, III, ESQUIRE

5 **TIFFANY & BOSCO, P.A.**

6 Camelback Esplanade II, Seventh Floor

7 2525 East Camelback Road

8 Phoenix, AZ 85016-4229

9 (602) 255-6036

10 (602) 255-0103 (Fax)

11 wmf@tblaw.com

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1 into whether or not what we had found Tripp had
2 conducted violated either federal law or state law,
3 but that was not our area of expertise. It was
4 mainly just to ensure that, you know, we were
5 meeting any elements.

6 Q. Okay. Did the investigation determine
7 that Mr. Tripp had in fact broke (sic) a dozen or
8 more laws?

9 MS. LIBEU: Objection to the extent that
10 it calls for a legal conclusion.

11 THE WITNESS: Correct. I'm not a lawyer.
12 You know, again, our job within this investigation
13 was just to establish facts.

14 Q. BY MR. FISCHBACH: And I -- I understand
15 you didn't write the e-mail, I'm just -- I'm trying
16 to reconcile some of the evidence in this case with
17 the investigation.

18 A. Understood.

19 Q. Mr. Musk goes on to state that Mr. Tripp
20 has "caused great harm to the citizens of Nevada."

21 Did -- did the investigation reveal any
22 great harm that Mr. Tripp caused to the citizens of
23 Nevada?

24 A. I don't know what Elon Musk meant by that.
25 I don't know.

1 Q. "Tesla legal has met with the Nevada's
2 attorney general's office."

3 Are you aware of any meetings between
4 Tesla attorneys and the Nevada attorney general?

5 A. Yes, I am.

6 Q. All right. Do you know when those
7 meetings took place?

8 A. I don't recall those dates.

9 Q. Were you present during any of those
10 meetings?

11 A. I was present for at least one of them.

12 Q. Again, without saying what was necessarily
13 discussed at the meeting, at least not yet, who was
14 at that meeting?

15 A. To the best of my recollection, it was
16 myself, Nick Gicinto, Lynn Miller from Tesla's legal
17 department, Mr. Hueston from Hueston Hennigan. Who
18 else was present? Representatives from the Nevada
19 state attorney general's office. There were also
20 two FBI agents that were there. Oh, and Todd Maron,
21 general counsel for Tesla at the time.

22 Q. And what was discussed at that meeting?

23 MS. LIBEU: I'm going to object for -- can
24 we take a break for a moment on this to -- I think
25 it may involve privilege issues. I want to talk to

1 the witness about it, and then we'll come back and
2 he'll answer that question.

3 **MR. FISCHBACH:** Yeah, I'm fine with a
4 break, but while we're on the record, it just seems
5 to me that to the extent this was a meeting with
6 third parties, meaning FBI agents, representatives
7 from the Nevada AG's office, I don't believe the
8 privilege objection would be appropriate.

9 But having said that, take your break and
10 speak with your witness.

11 **MS. LIBEU:** I understand your objection.
12 We'll come back -- we'll talk about it, and then
13 we'll come back.

14 **MR. FISCHBACH:** Let's take a break.
15 About, what, ten minutes?

16 **MS. LIBEU:** That would be great.

17 **MR. FISCHBACH:** Ten minutes. Thank you.

18 **THE VIDEOGRAPHER:** Time is 11:24. We're
19 off the record.

20 **(Short recess was taken.)**

21 **THE VIDEOGRAPHER:** The time is 1:30 --
22 11:38, and we're back on the record.

23 **MR. FISCHBACH:** So I think there was --
24 your counsel wanted to speak with you, obviously.

25 Allison, do you have a -- did you come to

1 a resolution? Are you still going to object on the
2 basis of privilege?

3 **MS. LIBEU:** No. Why don't you re-ask your
4 question, and then we'll go from there.

5 **Q. BY MR. FISCHBACH:** I think the question
6 was -- we were talking about a meeting between
7 yourself, several members of the Tesla legal team,
8 FBI agents, and representatives from the Nevada
9 attorney general's office, correct?

10 **A.** That's correct.

11 **Q.** And when did this meeting take place,
12 approximately?

13 **A.** If memory serves, it was sometime in July.
14 I don't remember the precise date.

15 **Q.** Okay. Was Elon Musk at that meeting?

16 **A.** No, he was not.

17 **Q.** What was discussed at that meeting?

18 **A.** To the best of my recollection, the
19 purpose of the meeting was for outside counsel to
20 present the results of the investigation to date to
21 the Nevada state attorney general's office and the
22 FBI.

23 **Q.** Okay. Did the FBI or attorney general's
24 office have any questions?

25 **A.** I'm sure they did. I don't recall what

1 they were.

2 Q. Did the FBI indicate what they were going
3 to do in response to this presentation?

4 A. I believe the FBI said that they were
5 going to support any work that the Nevada state
6 attorney general's office planned to do.

7 Q. Did the attorney general's office indicate
8 what they planned to do with the -- as a result of
9 the presentation?

10 A. I don't recall.

11 Q. Were any documents provided to either the
12 FBI or the attorney general's office during this
13 meeting?

14 A. I don't remember.

15 Q. Were the documents brought?

16 A. I don't believe I brought any documents.
17 I don't know if anybody else did.

18 Q. Well, was there -- during this meeting,
19 was there any -- were there any documents passed
20 out?

21 A. I believe there was a PowerPoint
22 presentation.

23 Q. Okay. And who presented the PowerPoint
24 presentation?

25 A. Mr. Hueston.

1 Q. Did you have any role in preparing that?

2 A. I don't believe so.

3 Q. Okay. And that PowerPoint presentation
4 was shown to the FBI and the attorney general's
5 office?

6 A. Yeah, everyone in the room --

7 Q. Okay.

8 A. -- yes.

9 Q. Did either the FBI or attorney general's
10 office say anything to the effect that Mr. Tripp had
11 appeared to have broken any criminal statutes?

12 A. I don't recall.

13 Q. Did anybody from the Tesla side of the
14 meetings suggest that Mr. Tripp should be prosecuted
15 for violating any criminal statutes?

16 A. I don't recall anybody making those
17 assertions or statements.

18 By "Tesla side," are you including outside
19 counsel?

20 Q. Yes.

21 A. I think that there were some -- some laws
22 that were cited. I don't think they cited it as
23 concisely as should be prosecuted, you know.

24 Q. Okay. But during this PowerPoint
25 presentation, Mr. Hueston at least referenced some

1 criminal statutes?

2 A. I believe so, yes.

3 Q. Okay. Do you recall which criminal
4 statutes Mr. Hueston referenced?

5 A. I do not.

6 Q. And being that you were in -- and I -- you
7 can't be inside Mr. Hueston's head, and I appreciate
8 that, but did -- having seen the presentation, did
9 you view it as being a suggestion for Mr. Hueston to
10 either the attorney general or the FBI agents that
11 Mr. Tripp had broken these federal statutes?

12 MS. LIBEU: Objection. Calls for
13 speculation, lacks foundation.

14 THE WITNESS: My impression of what was
15 presented was that he was presenting the facts that
16 we had established during the case and, you know,
17 was simply providing those facts to those agents
18 both of the FBI and the Nevada state attorney
19 general's office. I don't know if there was any
20 assertion that was made.

21 Q. Did Mr. Hueston present any analysis to
22 either the FBI or the attorney general in which he
23 presented certain facts which he claimed met the
24 elements of certain criminal statutes?

25 MS. LIBEU: Objection. Vague and

1 ambiguous.

2 **THE WITNESS:** Yeah, I honestly don't
3 recall the -- the entire -- the entirety of the
4 presentation.

5 **Q. BY MR. FISCHBACH:** Other than the
6 PowerPoint presentation, can you recall any other
7 documents, electronic records generated for this
8 meeting that were given to either the FBI or the
9 Nevada attorney general?

10 A. I don't recall there being any documents
11 that were given.

12 **Q. Other than the PowerPoint presentation?**

13 A. Well, that was presented.

14 **Q. Well, let me rephrase the question.**

15 Other than the PowerPoint presentation, do
16 you recall any other documents, either hard copy or
17 electronic, that were either presented or given to
18 the FBI or attorney general representatives?

19 A. I don't recall if there were or not. I
20 simply don't remember.

21 **Q. Okay. But you do recall a PowerPoint**
22 **presentation?**

23 A. Yes, I do.

24 **Q. Do you recall how long it was, in terms of**
25 **slides? How about less than 20?**

1 A. No. No, I think there were at least 20
2 slides.

3 Q. Okay. How long did this meeting go on
4 for?

5 A. I don't remember. It was at least an
6 hour.

7 Q. Did either the FBI or Nevada attorney
8 representatives give any indication as to what they
9 were going to do following the meeting with respect
10 to Mr. Tripp?

11 A. My recollection is is that the Nevada
12 state attorney general's office expressed interest
13 in Tesla's findings. I don't recall if they said
14 what they were going to do.

15 Q. Other than this meeting we've been
16 discussing, are you aware of any other meetings
17 between either Tesla's -- between Tesla and Tesla's
18 outside counsel and any law enforcement body?

19 A. Is this specific to presenting the case?

20 Q. Relative to this case. I mean, not other
21 --

22 A. Got it.

23 Q. -- individuals or -- or things like that.

24 I'm trying to -- I'm trying to ascertain,
25 were there any other meetings between, you know,

1 Tesla to include its outside counsel and law
2 enforcement relative to Mr. Tripp?

3 MS. LIBEU: Objection to the extent it
4 calls for speculation, but you can answer.

5 THE WITNESS: There may have been. I'm
6 not sure.

7 (Exhibit 12 was marked for
8 identification.)

9 Q. BY MR. FISCHBACH: Sir, the court reporter
10 has handed you what's been marked as Deposition
11 Exhibit 12.

12 Again, I assume you've never seen this e-
13 mail before because you're not included in it; is
14 that fair to say?

15 A. Yeah, I don't know if I've seen this e-
16 mail or not.

17 Q. Okay. Fair enough. It's an e-mail chain
18 involving Elon Musk and Bonnie Norman.

19 Do you know who Bonnie Norman is?

20 A. Yes, to some extent.

21 Q. Who is she?

22 A. She's -- it's my understanding that she's
23 somebody that kind of looks at Tesla blogs and posts
24 and tweets online and will on occasion e-mail Elon
25 Musk and let her (sic) know if she's found things

CERTIFICATE

I, Carli McKenny, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 3rd day of June, 2019.

A handwritten signature in dark ink, appearing to read 'Carli McKenny', is written over a horizontal line.

Carli McKenny

EXHIBIT R

JACKSON LEWIS P.C.

Joshua A. Sliker, Nevada Bar No. 12493
Joshua.Sliker@jacksonlewis.com
 3800 Howard Hughes Parkway, Suite 600
 Las Vegas, NV 89169
 Telephone: (702) 921-2460
 Facsimile: (702) 921-2461

HUESTON HENNIGAN LLP

John C. Hueston (*admitted pro hac vice*)
jhueston@hueston.com
 Robert N. Klieger (*admitted pro hac vice*)
rklieger@hueston.com
 Allison L. Libeu (*admitted pro hac vice*)
alibeu@hueston.com
 523 West 6th Street, Suite 400
 Los Angeles, CA 90014
 Telephone: (213) 788-4340
 Facsimile: (888) 775-0898

Attorneys for Plaintiff/Counter-Defendant
 Tesla, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TESLA, INC., a Delaware corporation,

Plaintiff,

vs.

MARTIN TRIPP, an individual,

Defendant.

Case No. 3:18-cv-00296-LRH-CBC

**PLAINTIFF AND COUNTER-DEFENDANT
 TESLA, INC.'S RESPONSES AND
 OBJECTIONS TO DEFENDANT AND
 COUNTER-CLAIMANT MARTIN TRIPP'S
 SECOND SET OF INTERROGATORIES**

AND RELATED COUNTERCLAIMS

PROPOUNDING PARTY: Defendant/Counter-Claimant Martin Tripp

RESPONDING PARTY: Plaintiff/Counter-Defendant Tesla, Inc.

SET NO.: Two (Nos. 9-25)

CONFIDENTIAL

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INTERROGATORY NO. 12:

Identify and explain All information regarding the Alleged Threat known by Elon Musk prior to his sending the e-mail communication referenced in Paragraph 54 of the Counterclaim, including:

- When Mr. Musk first became aware of the Alleged Threat
- All persons with whom Mr. Musk discussed the Alleged Threat on June 20, 2018
- Who provided Mr. Musk with the information of which he was aware
- What actions Mr. Musk took to verify the information

CONFIDENTIAL**RESPONSE TO INTERROGATORY NO. 12:**

In addition to its general objections, which are incorporated herein by reference, Tesla objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case in that it asks Tesla to “[i]dentify and explain All information regarding the Alleged Threat known by Elon Musk” regarding the threat to the Gigafactory on June 20, 2018. Tesla objects to this Request as argumentative, particularly as to the use of the term “Alleged Threat.” Tesla further objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work product doctrine, and all other applicable privileges, protections, or immunities. Such information will not be provided in response.

Subject to and without waiving the foregoing general and specific objections, Tesla responds to this Interrogatory as follows:

On June 20, 2018, Shamara Bell, an operator at Tesla’s Las Vegas call center, received a phone call from someone who stated that he was a very close friend of Tripp. The caller told Ms. Bell that he feared for the safety of employees at the Gigafactory because Tripp was extremely volatile, very well heavily armed, extremely upset, and very hostile. The caller sounded genuinely concerned and afraid that Tripp would do something violent and volatile. Ms. Bell asked the caller to provide his name and contact information. The caller declined, stating that he wanted to remain anonymous. *See* TES-TRIPP_0000970; TES-TRIPP_0003390. Ms. Bell reported the call to her supervisors (including Angel Besinaiz and Kristin Krerowicz) who notified members of Tesla’s security team (including Jeff Jones, Avery Bustamante, and Marshall Sprott). *See, e.g.*, TES-TRIPP_0003386-88. Tesla security immediately alerted the Storey County Sheriff’s Office and mobilized additional security personnel to the Gigafactory.

Tesla security also reached out to personnel at the Las Vegas call center to obtain more information about the call. Mr. Bustamante spoke with Ms. Bell, who confirmed that the caller identified Tripp as the source of the threat and the Gigafactory as the target. Mr. Bustamante spoke to Ms. Bell a second time, asking Ms. Bell to send an email to Mr. Jones recapping the call that she received. *See* TES-TRIPP-0016596-97. Tesla security also informed Sarah O’Brien, Tesla’s former Vice President of Communications, that security received an alert from the Las Vegas call

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center about a threat to the Gigafactory. Thereafter, Ms. O'Brien spoke to Mr. Besinaiz, who confirmed that the call center received the call described above. On June 21, 2018, Ms. O'Brien spoke to Ms. Bell and Mr. Besinaiz. Ms. Bell confirmed that she answered a call on June 20, 2018 from an anonymous caller who identified himself as a friend of Tripp. Ms. Bell further confirmed that the caller stated that he feared for the safety of employees at the Gigafactory because Tripp was extremely upset, extremely volatile, and heavily armed.

Mr. Musk was initially informed of the threat to the Gigafactory on June 20, 2018, likely by Sam Teller, Director, Office of the CEO. Mr. Musk was informed that Tesla received a call that Tripp was going to come in and shoot people at the Gigafactory. Mr. Musk was further informed that Tesla security alerted the police and posted additional security personnel at the Gigafactory. Mr. Musk also discussed the Gigafactory threat with Mr. Jones, Ms. O'Brien, and Dave Arnold, Tesla's Senior Director of Global Communications. Mr. Musk relied on Tesla's security and communications teams to obtain information concerning the threat to the Gigafactory.

INTERROGATORY NO. 13:

Identify and explain All information known by Elon Musk regarding the contents of the e-mail communication referenced in Paragraph 47 of the Counterclaim before sending said e-mail communication, including:

- When Mr. Musk first became aware of the "sabotage" alleged therein
- Who provided Mr. Musk with the information of which he was aware
- What actions Mr. Musk took to verify the information

RESPONSE TO INTERROGATORY NO. 13:

In addition to its general objections, which are incorporated herein by reference, Tesla objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case in that it asks Tesla to "[i]dentify and explain All information." Tesla objects to this Request as overly broad, vague, and ambiguous to the extent that it fails to specify the portions of the email to which it refers. Tesla further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, and all other

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1 applicable privileges, protections, or immunities. Such information will not be provided in
2 response.

3 Subject to and without waiving the foregoing general and specific objections, Tesla
4 responds to this Interrogatory as follows:

5 On June 14 and 15, 2018, Tripp was interviewed by Nicholas Gicinto and Jake Nocon
6 concerning the leak to *Business Insider*. Following the interview, Mr. Gicinto informed Mr. Musk
7 that Tripp admitted to writing a structured query language (“SQL”) script to query information
8 about scrap from Tesla’s Manufacturing Operating System (“MOS”) and to exporting this
9 confidential information to Ms. Lopez. Mr. Gicinto also told Mr. Musk that Tripp admitted to
10 sharing other confidential information with Ms. Lopez, to reaching out to multiple other media
11 outlets, and to attempting to recruit additional sources inside the Gigafactory to share Tesla’s
12 confidential information with third parties. Mr. Gicinto further communicated to Mr. Musk that
13 Tripp complained about his position at Tesla. In addition to the confidential information Tripp
14 disclosed and in connection with it, Tripp provided false information to *Business Insider* that put
15 Tesla in a falsely negative light.

16 Mr. Gicinto further informed Mr. Musk that Tripp admitted to taking actions to cover his
17 tracks. For example, Tesla determined that Tripp sometimes ran his SQL script from a generic
18 Tesla account rather than using his own log-in credentials. In addition, because Tripp’s SQL script
19 contained unique, identifying characteristics, Tesla determined that three Tesla laptops (in addition
20 to Tripp’s laptop) had run scripts with identical or nearly identical language. Tripp’s user
21 credentials also appeared on multiple different Tesla computers.

22 Mr. Musk relied on information concerning Tripp’s misconduct provided to him by
23 Mr. Gicinto.

24 **INTERROGATORY NO. 14:**

25 Identify by paragraph number all allegations in the Complaint and Counterclaim that Elon
26 Musk has personal knowledge of.

27
28

CONFIDENTIAL**RESPONSE TO INTERROGATORY NO. 14:**

In addition to its general objections, which are incorporated herein by reference, Tesla objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case in that it asks Tesla to “Identify” “all allegations in the Complaint and Counterclaim that Elon Musk has personal knowledge of.” Tesla further objects to this Interrogatory as violating the “apex” discovery rule to the extent it seeks non-unique, non-firsthand knowledge; such information will not be provided. Tesla further objects to this Interrogatory as compound because it concerns two separate pleadings, each containing dozens of individual paragraphs. Tesla further objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work product doctrine, and all other applicable privileges, protections, or immunities.

Subject to and without waiving the foregoing general and specific objections, Tesla responds to this Interrogatory as follows:


Mr. Musk sent the email referred to in paragraph 47 of the Counterclaim; the email referred to in paragraph 54 of the Counterclaim; and the Tweet referred to in paragraph 67 of the Counterclaim.

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Dated: March 8, 2019

HUESTON HENNIGAN LLP

By: 
Allison L. Libeu
Attorneys for Plaintiff and
Counter-Defendant Tesla, Inc.

VERIFICATION

I, Imari Henderson, declare:

I have read the foregoing **PLAINTIFF AND COUNTER-DEFENDANT TESLA INC.'S RESPONSES AND OBJECTIONS TO DEFENDANT AND COUNTER-CLAIMANT MARTIN TRIPP'S SECOND SET OF INTERROGATORIES** and know its contents.

I am an employee of Tesla, Inc., Plaintiff and Counter-Defendant in this action, and I am authorized to make this verification for and on its behalf. The matters stated in the foregoing document are true and correct to the best my own knowledge, information, and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 8 day of March, 2019, at Sparks , Nevada .


Imari Henderson

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 620 Newport Center Drive, Suite 1300, Newport Beach, CA 92660.

On March 8, 2019, I served the foregoing document(s) described as:

**PLAINTIFF AND COUNTER-DEFENDANT TESLA INC.'S RESPONSES AND
OBJECTIONS TO DEFENDANT AND COUNTER-CLAIMANT MARTIN TRIPP'S
SECOND SET OF INTERROGATORIES**

☒ (BY E-MAIL) By transmitting a true copy of the foregoing document(s) by **Email or Electronic Transmission:**

Based on an agreement of the parties to accept service by email or electronic transmission. I caused the document(s) to be sent from email address sjones@houston.com to the persons at the email addresses listed on the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful:

Robert D. Mitchell
William M. Fischbach III
Christopher J. Waznik
Matthew D. Dayton
TIFFANY & BOSCO, P.A.
2525 E. Camelback Road
7th Floor, Camelback Esplanade II
Phoenix, AZ 85016-4229

TEL: 602-255-6000
FAX: 602-255-0103
E-MAIL: rdm@tblaw.com
E-MAIL: wmf@tblaw.com
E-MAIL: cjw@tblaw.com
E-MAIL: md@tblaw.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 8, 2019, at Newport Beach, California.

Stephen Richards

(Type or print name)

/s/ Stephen Richards

(Signature)

EXHIBIT S

STATE OF ARIZONA)
County of Maricopa) ss

1. I am over the age 18 years old and I make this affidavit upon my personal knowledge.

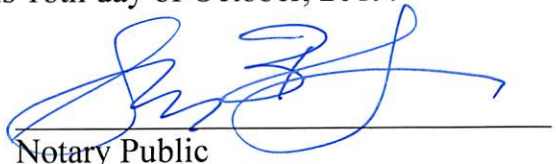
3. I am counsel for Defendant/Counterclaimant Martin Tripp in *Tesla v. Tripp*,
No. 3:18-cv-00296-LRH-CBC.

5. During this call, Mr. Gates requested a general list of topics for Musk's deposition, and asked that I consider a time limitation.

7. Mr. Gates subsequently advised me that Musk would not be deposed absent an order from the Court.

8. Despite a sincere effort to resolve or narrow the dispute during the meet and confer conference and subsequent communications, the parties were unable to resolve or narrow this dispute without court intervention.

SUBSCRIBED AND SWORN to me this 18th day of October, 2019.



Pretrial Motions / Injunctive Relief

3:18-cv-00296-LRH-CBC Tesla, Inc. v. Tripp

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered by Fischbach, William on 10/18/2019 at 3:32 PM PDT and filed on 10/18/2019

Case Name: Tesla, Inc. v. Tripp
Case Number: 3:18-cv-00296-LRH-CBC
Filer: Martin Tripp
Document Number: 107

Docket Text:

SEALED MOTION Defendant/Counterclaimant Martin Tripp's Motion to Compel Deposition of Elon Musk by Counter Claimant Martin Tripp, Defendant Martin Tripp. Responses due by 11/1/2019. (Attachments: # (1) Exhibit Exhibits A-N, # (2) Exhibit Exhibits O-S) (Fischbach, William)

3:18-cv-00296-LRH-CBC No electronic public notice will be sent because the case/entry is sealed.

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1101333072 [Date=10/18/2019] [FileNumber=9465779-0] [0e86d8bf62a8690599bff82260d8e13b7773acc48d0307316e163d0b280bfd6eeb8208c9525d3707571dfe40d06678b0aea95f038f131332d49c64fd214b3cfe]]

Document description:Exhibit Exhibits A-N

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1101333072 [Date=10/18/2019] [FileNumber=9465779-1] [1ab680256da116f094f2a3d1fd72e74eef9925f2ec43be5410217d74ad5c4f78d6df97cac0227c8c87322af7320a72df6a9dcb0f724de24cc6efadb6693dd3f0]]

Document description:Exhibit Exhibits O-S

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1101333072 [Date=10/18/2019] [FileNumber=9465779-2] [2a3d67bf8539e4be18f77a5e33f07711ed502196bcb5c3ad55ca0a2f99f7da80650ce342d3b882a0178c510514fd23458deafdc3eab4b4e6cc488fea9136018]]